

REMARKS

This is in full and timely response to the above-identified Office Action. The above listing of the claims supersedes any previous listing. Favorable reexamination and reconsideration is respectfully requested in view of the preceding amendments and the following remarks.

In this response, the subject matter of claim 4 has been incorporated into independent claim 13 and claims 4-12 and 14 have been cancelled. This claim amendment/cancellation overcomes the rejections under 35 USC § 102 and § 112.

In connection with the rejection of the subject matter of claim 4 under 35 USC § 103(a) as being unpatentable over Russel in view of Chung et al., it is submitted that the transfer of teachings from Chung et al. to Russel would not be made in the manner purported in this rejection and that the combination as proposed would not lead to a *prima facie* case of obviousness.

Indeed, it is submitted that the aqueous solutions of colloidal silica disclosed in Chung et al. could not possibly suggest a moisture absorbent as required by the pending claims. Without some radical drying function being applied following the miniemulsion process mentioned in the rejection, it would seem that the Chung et al. reference would suggest a source of moisture in that the silica would be saturated with moisture and therefore any moisture absorbent capacity would be totally spent/moot.

The aqueous compositions used in Chung et al. would not suggest a transfer of teachings for the purpose of providing the claimed "moisture absorbent." Therefore, the combination of Russel and Chung et al. would not lead the hypothetical person of ordinary skill to the claimed subject matter. The rejection under 35 USC § 103(a) based on the combination of Russel and Chung et al. is therefore traversed.

The Examiner's attention is called to *In re Keller* (642 F.2d 413, 208 USPQ 871 (CCPA 1981)) which is cited for the proposition that "the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference, nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art." Thus, although only the Chung et al. references has been discussed in detail the ramifications of these teachings on the whether the teachings

of the references can be combined is at issue. This response therefore attacks the possibility of the combination not the Chung et al. references alone.

Conclusion

It is respectfully submitted that the claims as they have been amended are allowable over the art which has been applied in this Office Action. Favorable reconsideration and allowance of this application are courteously solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,
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